

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Las Mansiones de Bonita
TM 5543RPL1, Log No. 07-18-003**

August 14, 2008

I. Introduction

The project proposes to subdivide two parcels totalling 6.16 acres into five residential lots. The project will improve the project frontage along Sweetwater Road to a graded width of 48 feet, with 38 feet of improvement from the centerline of the road. A 10 foot wide pathway easement will be provided at the edge of the right-of-way. The existing 40 foot wide private road onsite will be improved to a graded width of 28 feet with 24 feet of improvement and a fire turnaround located at the northeast corner of proposed lot 3. The site is located north of Sweetwater Road, adjacent to Tennis Court Lane.

Based on a Biological Survey Report prepared by Vincent Scheidt, the site consists of non-native grassland and urban-developed land. No sensitive wildlife species were observed on the site. The site is completely surrounded by development. To the north, east and west are single family residences on lots ranging in size from approximately 0.5 to 1 acre. To the south is Sweetwater Road and Sweetwater County Park.

The project will remove 0.6 acres of non-native grassland. The remaining portion of the site is urban-developed and does not require mitigation pursuant to the Biological Mitigation Ordinance. The site is not contiguous with any preserved land, is not within a Pre-Approved Mitigation Area, and does not qualify as a Biological Resources Core Area (BRCA).

Mitigation for project impacts will consist of offsite purchase of Tier III or higher habitat within a mitigation bank. This measure is a specific condition of the Mitigated Negative Declaration and Tentative Map Resolution. A Final Map cannot be recorded until evidence of offsite purchase is provided.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Urban/Developed	IV	5.56	5.56	N/A	None
Non-native grassland	III	0.6	0.6	0.5:1	0.3
Total:	--	6.16	6.16	--	0.3

The findings contained within this document are based on County records, staff field site visits and the Biological Survey Report prepared by Vincent Scheidt. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is not designated as Pre-Approved Mitigation Area.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The land is surrounded by existing development and is not adjacent or contiguous with habitat within the Pre-Approved Mitigation Area. The nearest Pre-Approved Mitigation Area is 5,000 feet to the southwest. Lands between the project site and the nearest PAMA are densely developed with single family residences. The City of Chula Vista is located to the south of the project site. The area within the City of Chula Vista is designated as development area by their MSCP. The nearest preserved area within the City of Chula Vista is approximately 5,000 feet to the south of the project site. Lands between the project site and the nearest preserved area within the City of Chula Vista are developed, with Sweetwater County Park directly to the south.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The land does not provide a linkage/corridor allowing wildlife movement on a regional scale. The area to be developed does not provide a linkage or corridor to any preserved or undeveloped areas due to its small size, pre-existing tennis court use and pre-existing single family residential use and proximity to Sweetwater Road and Tennis Court Lane.

iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.

The development area is shown as developed. The land does not link significant blocks of habitat.

v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

The land is within a developed area, and there are no blocks of habitat greater than 500 acres adjacent or contiguous with the site.

vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:

- a. Gabbroic rock;**
- b. Metavolcanic rock;**
- c. Clay;**
- d. Coastal sandstone**

The land does not contain any sensitive species and there are no MSCP narrow endemic species on the site. The land contains HuC Huerhuero-urban land complex, 2 to 9 percent slopes and HrD Huerhuero loam, with 9 to 15 percent slopes. The soils are not known to support sensitive species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

Mitigation will take place off site with the purchase of credits in a County-approved mitigation bank, within a BRCA in the MSCP or the purchase of an offsite area qualifying as a BRCA within the MSCP. The required mitigation includes purchase of 0.3 acres of Tier III higher habitat.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of these types of resources. Project Design Criteria including attachments G and H, is not required and has been deleted from this document.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The project site contains no wetland habitats as defined by State or Federal Standards.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The site contains one habitat type, non-native grassland. The non-native grassland covers 0.6 acres and does not constitute a unique habitat, nor does it support unique habitat features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The project site does not contain any coastal sage scrub habitat. No habitat onsite was mapped as having high or very high biological value. All habitat onsite was classified as disturbed.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

The land does not contain or contribute to significant blocks of habitat in the area surrounding the project site. Offsite mitigation for project impacts will provide for additional preserved habitat through the purchase of Tier III or higher Tier Habitat. The offsite preserved area will be located within a County-approved mitigation bank within the MSCP or within an offsite area qualifying as a BRCA within the MSCP. The bank or offsite mitigation area will be approved based on preserve design, which maximizes the ratio of habitat surface area to perimeter. Furthermore, approved mitigation sites shall provide limited access and limited human interference, as well as incorporating effective monitoring programs.

5. The project provides for the development of the least sensitive habitat areas.

The non-native grassland is a sensitive habitat type in the MSCP, but on the site it is isolated from other habitat areas by Sweetwater Road and existing residential development. Therefore, the project will develop the least sensitive habitat.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

The project site does not contain any narrow endemic species or otherwise exceptionally sensitive species. No sensitive species were identified on the project site. The offsite preservation of habitat will contribute to the overall preservation of sensitive species.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The project site is not adjacent to large blocks of habitat, and development of the site will cause no impacts to wide-ranging species. The site is not within any known golden eagle foraging areas or nest site territories. Purchase of offsite mitigation will contribute to preservation of blocks of habitat that are interconnected with areas contributing to the preservation of wide-ranging species.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical

populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

No impacts to critical populations or narrow endemics area anticipated with the development proposal. No sensitive species were identified on the project site. The offsite habitat based mitigation will provide contribute to the overall preservation of these and other sensitive species.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

Because the site is disturbed by the pre-existing tennis courts, a single family residence and is isolated by developed surrounding lands and does not support critical populations of sensitive species or narrow endemic species, the project site is not suitable for inclusion into a preserve system within the subarea plan.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

No onsite preservation will be counted towards mitigation. All mitigation for impacts to non-native grassland will be provided offsite in a County-Approved mitigation bank.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not within a Biological Resource Core Area. The land contains the following sensitive habitat: non-native grassland. The project will provide offsite habitat based mitigation in a County Approved mitigation bank. There were no threatened, endangered or narrow endemic species detected on or around the site. No significant populations of sensitive species are expected to reside on the portion of the property where the development is proposed. Therefore, the project is not expected to result in impacts to a BRCA or to any sensitive species known in the vicinity of the project site.

Mark Slovick, Department of Planning and Land Use
August 14, 2008

MSCP Designation For Las Mansiones de Bonita TM 5543RPL1, ER 07-18-003

